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EXAMINER
KRAMER, JAMES A

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-12_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-12_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the Ethernet" in line 2. There is insufficient antecedent basis for this limitation in the claim. Examiner notes that it appears the Applicant has confused "the Internet" with "an Ethernet". Examiner notes that "the Internet" is a single, specific thing: the worldwide collection of networks and gateways that use the TCP/IP suite of protocols to communicate with one another (Microsoft Computer Dictionary). In contrast, there is no "the Ethernet", instead "an Ethernet" is a widely used local area network system (Microsoft Computer Dictionary). Examiner interprets the claim as "an Ethernet".

Claim 10 contains the following reference to a limitation of claim 1, "wherein the step of informing the department of making payment and requesting the department to make a payment . . " in lines 1-3. This limitation does not exist in claim 1. As such, the format of making reference to the limitations of claim 1 results in confusion (MPEP 2173.05(f)). Examiner will interpret the claim as if the method of claim 1 further comprises the step of informing the department of making payment and requesting the department to make a payment and wherein the step of informing the department of making payment and requesting the department to make

a payment can be performed by sending emails, automatically, to the department through an

Executive Information System.

Claim 11 recites the limitation "the Executive Information System" in lines 1-2. There is

insufficient antecedent basis for this limitation in the claim. Examiner interprets the claim as if

the method of 1 further comprises an Executive Information System that screens and selects.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 as interpreted by the Examiner are rejected under 35 U.S.C. 102(b) as being

anticipated by Camillone et al.

Camillone et al. teaches a method and system for access and accounting control in a data

processing system that includes receiving a signal that denotes a user-end's login to an

enterprise's server (column 3; lines 1-3).

Camillone et al. further teaches:

• recording a set of user-end's data by means of the resource statistics system.

Reference column 2; lines 21-25: "UNIX systems include a complete accounting

subsystem which allows resource usage to be tracked on a per user basis. Audited

resources include processing time, input/output subsystem utilization, memory usage and

printer usage." Examiner notes that the accounting subsystem represents Applicant's

resource statistics system.

- calculating the amount of expenditure to be paid by a department in accordance

with the usage data of at least a department; according to a specific cycle, writing the

amount of expenditure to be paid by the department into the resource statistics system,;

and including the amounts of expenditure to be shared by individual departments into the

expenditure statistical checklists of individual departments.

Examiner references column 2; lines 16 – 18 "The cost of purchasing, maintaining and

operating these computers is recovered from the individual departments according to their usage"

and notes that in order to recover the costs of the computers from the departments based on

usage, the system of Camillone et al. must calculate the amount of expenditure to be paid by the

department in accordance with the usage data of the department. In addition, Examiner notes

that the usage information must also be written to the accounting subsystem (resource statistics

system).

Examiner further notes that Applicant fails to clearly and specifically define an

"expenditure statistical checklist". In particular, Applicant mentions an "expenditure statistical

checklist" twice in the Specification (page 2; lines 21-22 and page 3; lines 25-27). However

neither time does Applicant provide a clear definition. Rather, Applicant simply states (in both

occasions), "the amount of expenditure to be shared by individual departments is included in the

expenditure statistical checklist."

Examiner therefore, relies on the definition of a checklist: a list in which items can be

compared, verified or identified (Webster's II New Riverside Dictionary). Examiner further

notes that Camillone et al. teaches an audit (column 2; lines 11-12). An audit is defined as an

examination or verification of records or accounts Webster's II New Riverside Dictionary).

Examiner notes that in order to conduct the audit of Camillone et al. one must have a list of items

to verify. As such, Camillone teaches the expenditure statistical checklist.

Camillone et al. teaches the enterprise's servers are used in managing the allocation and

integration of all the resources available within an enterprise, monitoring messages for

abnormality of any kind, and they are linked together by an internal network of the enterprise.

Examiner references column 1; lines 38-46 and notes that resource access, accounting controls

and auditing of the physical and logical resources of a company represents managing the

allocation and integration of all the resources (physical and logical) within an enterprise.

Examiner further notes that column 1; lines 47-58 represents an example of monitoring for

abnormality of any kind (e.g. violation of safety rules in a nuclear Dower plant). Finally,

Examiner references Figure 1 which illustrates the system connected to a network (linked

together by an internal network).

Camillone et al. further teaches inputting an identification number (ID) and a password;

checking the identification number (ID) and the password are correct or not; entering a database

to make enquiries about the department of the employee to whom the identification number (ID)

belongs, through the primary key of the identification number (ID).

Examiner references column 3; lines 1-3, which teaches a user using a ID to log on. In

addition, column 3; lines 29-34 teaches creating individual resource accounts for each user and

setting the account identifier to the user's identifier. In other words, the usage of a particular

user is stored in a database based on the user's identifier.

Camillone et al. further teaches auditing starting on column 7; lines 19. Specifically an

accounting group identifier (department identifier) is added to the credentials data structure

within the pre-process user block (column 7; lines 26-28). Next, system calls are added to allow

this identifier to be queried (column 7; lines 31-32). In other words within the database structure

each user is assigned a department code, which can be queried in order to make enquiries about

the department to whom an user belongs.

Camillone et al. teaches that the identification number is provided by the enterprise.

Examiner reference column 3; lines 7-8, "system administrators are responsible for assigning

users to accounts and granting quotas for each account". Examiner notes that system

administrators are "the enterprise" and they assign the user IDs.

Camillone et al. further teaches confirming a module of the enterprise's server used by the

user end; monitoring the usage process of the user end; calculating the accumulated duration of

the use of the module by the user end; determining whether the user-end changed the module it

uses; writing the usage data in a database through the resource statistics system. Examiner

references column 2; lines 21-26 which teaches a complete account subsystem which tracks

usage an a per user basis. Audited resources include processing time (duration), input/output

subsystem utilization, memory usage (module alteration) and printer usage.

Examiner once again notes Applicant failure to provide a clear definition in the

specification. This time Applicant has failed to clearly define what a module is and how exactly

it is altered. Applicant discusses the module on page 4; lines 26-32. Examiner notes that it

appears the module is memory and thus the system determines is a user adds data to or removes

data from the memory (module). This accounting (memory usage) is taught by Camillone on

column 2; lines 21-26.

Camillone et al. teaches the use of different modules requires access to different kinds of

system resources, though they are all monitored by the resources statistic system. Examiner once

again notes that Applicant has failed to give a detailed description of a module. As such

Examiner interprets different modules to include memory usage versus printer usage. As such,

these different modules would require access to different kinds of system resources, though they

would both be monitored by the accounting subsystem (resource statistic system) of Camillone et

al. (column 2; lines 21-26).

Camillone et al. teaches the usage database provides a plurality of data outlines and

relation tables, for storing related recorded data and wherein the database can be a Structure

Query Language (SQL) server. Examiner notes that Camillone et al. teaches the Unix systems

includes a complete accounting subsystem (column 2; lines 21-22). Examiner notes Camillone

et al. incorporates by reference UNIX System User's Manual and The UNIX Programming

Environment (column 1; lines 20-33). As such Camillone et al. includes all the basic features of

UNIX. Examiner notes one of ordinary skill in the art would know that the accounting

subsystem referenced by Camillone et al. in column 2; lines 21-22 includes an SQL based

relational database as part of its basic features. Therefore, Camillone et al. teaches the usage

database provides a plurality of data outlines and relation table for storing recorded data and

wherein the database can be a SQL server.

Camillone et al teaches the specific cycle time that the amount of expenditure is written

to the resource statistics system is defined by the enterprise on its own. Examiner notes

Camillone et al. teaches that usage need to be audited if the system administrator wishes to

charge for the use of the systems (column 2; lines 11-12). As such Examiner asserts that the

system administrator determines when to run the audits (write data to the accounting subsystem

(resource statistics system)) in order to charge for the use of the system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3, as interpreted by the Examiner is rejected under 35 U.S.C. 103(a) as being

unpatentable over Camillone et al. in view of Microsoft Computer Dictionary.

Camillone et al., as described in detail above, does not teach that the internal network of

the Enterprise can be an Ethernet. Microsoft Computer Dictionary teaches that an Ethernet is a

widely used local area network system developed by Xerox in 1976, from which the IEEE 802.3

standard was developed.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the internal network of the enterprise of Camillone et al. by using

an Ethernet as taught by the Microsoft Computer Dictionary. One of ordinary skill in the art at

the time of the invention would have been motivated to combine the references in order for the

enterprise to comply with the IEEE 802.3 standard.

Claim 10, as interpreted by the Examiner is rejected under 35 U.S.C. 103(a) as being

unpatentable over Camillone et al. in view of Ensel et al.

Camillone et al., as described in detail above teaches "The cost of purchasing,

maintaining and operating these computers is recovered from the individual departments

according to their usage" (column 2; lines 16 – 18). Examiner notes that in order to recover the

costs from the individual departments Camillone et al. must include a the ability to inform the

departments of making payment and requesting the department to make payment. Without these

steps the it would be impossible to recover the costs.

However, Camillone et al. does not specifically teach that the request to make payment

can be done by sending emails, automatically, though an Executive Information System.

Ensel et al. teaches an Information Interface Provider (IIP), where upon receipt of billing

data from the biller, the IIP format the electronic bill and send the Email to an Email address

(column 8; lines 49-54). Ensel et al. further teaches that email billing is advantageous because it

incorporates push technology, so that a customer doesn't have to actively seek out a bill (column 3; lines 9-15).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the step of informing and requesting payment of Camillone et al. to include an email bill sent from the IIP (Executive Information System) as taught by Ensel et al. One of ordinary skill in the art would have been motivated to combine these references in order to utilize push technology and thus save the departments (customers) from having to actively seek the information.

Claim 11, as interpreted by the Examiner is rejected under 35 U.S.C. 103(a) as being unpatentable over Camillone et al. in view of Ensel et al.

Camillone et al, as described in detail about further teaches an Executive Information System that screens and selects various type of intrinsic and extrinsic information and gives prompts as to the condition of the user's deviating from a plan. Examiner reference column 8; lines 65 – column 9 line 5:

> "when disk space is allocated or freed, the quota subsystem is informed and the current allocation for that user is adjusted. If the user is over quota (for an allocation request), the request is denied (the quota implementation also contains soft limits which are used to provide warnings).

Examiner notes that the quota of Camillone et al. represents Applicant's plan, determining if disk space is allocated or freed represents screening and selecting various types of intrinsic and extrinsic information; and the warnings represent prompts as to the condition of the user's deviating from a plan

Camillone et al. does not teach sending a warning to every related superior.

Benson et al. teaches a system that allows for a whole series of problem types to trigger warning signals at the supervisor's terminal, such as production at a certain operation falling below the minimum rate per hour or a particular machine being broken down for more than a certain time or the pile of work at any particular station rising above a critical level (column 3; lines 32-38).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the warnings of Camillone et al. by sending them to every related supervisor as taught by Benson et al. One of ordinary skill in the art would have been motivated to combine the references as taught in order to provide supervisors with immediate knowledge of problems and issues associated with their employees.
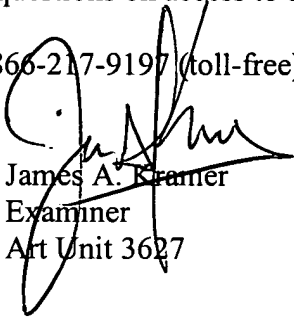
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
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jak